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The \$50,000 Verdict

Lane Medical Library

Awarded Collier's
against The
Postum Cereal Co.

U261
C69
1911



THE \$50,000 VERDICT

AN ACCOUNT OF THE ACTION OF

ROBERT J. COLLIER

vs.

THE POSTUM CEREAL CO., LTD.

FOR LIBEL

*In which the plaintiff recovered \$50,000 damages.
Also certain truths about the nature of
Grape-Nuts, Postum, and C. W. Post*



“THERE'S A VERDICT”

LANE LIBRARY

NEW YORK

P. F. COLLIER & SON

1911



No Appendicitis
For those who use
Grape-Nuts
the pre-digested food
There's a reason.

APPENDICITIS

Not at all Necessary, to Operate in Many Cases.

Automobiles and Appendicitis scare some people before they are hit.

Appendicitis is often caused by too much starch in the bowels. Starch is hard to digest and clogs up the digestive mechanism—also tends to form calculi in the cecum. (That's the blind pouch at extremes to the appendix).

A. M. H. girl had appendicitis, but lived on milk for awhile—then Grape-Nuts and got well without an operation.

She says: "Five years ago I was at school, I suffered terribly with constipation and indigestion." (Too much starch, white bread, potatoes, etc., which she did not digest.)

"Soon after I left school I had an attack of appendicitis and for thirteen weeks lived on milk and water. When I recovered enough to eat solid food there was nothing that would agree with me, until a friend recommended Grape-Nuts. "When I began to eat Grape-Nuts I weighed 88 lbs. but I soon grew to 115 lbs. The doctor who then left me entirely and now I am like a new person."

(A little Grape-Nuts dissolved in hot water or milk would have been much better for this case than milk alone, for the starchy part of the wheat and barley is changed into a form of digestible sugar in making Grape-Nuts.) Name given by Postum Co., Battle Creek, Mich. Read the little book, "The Road to Welville," in plug. "There's a Reason."

OPERATION AVOIDED

Choice of Food Instead of Resort to the Scalpel.

Starch Indigestion is a common trouble with many persons who eat food containing starch—white bread, potatoes, pie, cake, etc.

This results frequently in accumulations of undigested material in the intestines that causes swellings and formations of gas attended by discomfort and even great suffering.

Unless the sufferer is compelled by changing the manner of eating and the composition of the food, a person may be forced to have an operation performed which might have been avoided.

"Ten years ago," writes an Iowa woman, "my stomach began to bother me. After suffering a few months I went to our family physician and he told me it was indigestion and I kept getting worse until about six months later the doctor told me I had a growth in my stomach and an operation would be necessary. I was thinking as to that, however, and so I was left to nature's wrench as it were, to live."

"Shortly after this I happened to see a testimonial about Grape-Nuts food in our paper and decided to try it and I have kept at it. It may seem wonderful but today I can eat almost anything with a relish and no bad after effects. Name given by Postum Co., Battle Creek, Mich.

Grape-Nuts, as a regular food, builds up the body by reason of its easy digestion and absorption, and because it contains all there is in fine whole wheat and barley, so thoroughly prepared as to meet the demands of Nature for a disease-repairing and energy-making food.

Many a case of appendicitis has its beginning in starch indigestion, and many a case of indigestion has been cured by the regular daily use of Grape-Nuts. "There's a Reason." Read the little book, "The Road to Welville," in plug.

Some of the "potentially deadly lying" advertisements by which C. W. Post spreads the impression that Grape-Nuts will prevent or cure appendicitis. Introduced by the plaintiff in the case of *Collier vs. The Postum Cereal Co., Ltd.*

U 261

C 69

1911

An Account of the Trial

“C. W. Post, Faker”

Reprinted from Collier's for December 24, 1910



LATEST PORTRAIT OF C. W. Post
Munyonised and published by himself

THE libel suit of Robert J. Collier against the Postum Company, Ltd., of Battle Creek, Michigan, resulted, after a long and thorough trial, in a verdict for COLLIER'S and an award of damages in the unprecedented sum of \$50,000. The offense was the publication, in forty-four newspapers and periodicals of New York State, of an advertisement charging us with soliciting advertising by methods akin to blackmail. This important victory over the forces of fraud, this exceptional award—the heaviest ever given for libel in New York and probably in the United States—will be news to many. For notwithstanding the importance of the case, the newspapers were

generally silent or very taciturn. The Postum Company spends about a million dollars a year in advertising. Moreover, on the day after the trial closed, C. W. Post, head faker of the company, began a series of advertisements which garbled the testimony of *COLLIER's* medical experts to make it appear that they had endorsed the virtues of Grape-Nuts, and said nothing about the outcome of the trial—nay, gave the impression that Post had won.

Libel suits always wander from the strict cause at issue, involving the past reputations of both parties. This one exposed the career of C. W. Post, and it showed the real character of his widely advertised products. But before we go into that, it will be necessary, in order to correct the impression produced by the latest Post advertisements, to review the vital facts of the case.

In 1905 *COLLIER's* began the publication of Samuel Hopkins Adams's articles, "The Great American Fraud," that startling exposé of patent medicines, quackery, and quack methods of advertising which bore fruit in the Pure Food and Drugs Act of 1906. *COLLIER's*, like every other periodical in the United States, had published in its early years advertising open to criticism on modern standards. When the Adams data began to come in, we saw the light. We announced a new business policy—exclusion of all misleading and unfair advertising. That was merely the new policy which nearly all the magazines have now adopted, and to which all reputable newspapers must come in the end.

On November 4, 1905, the announcement of this policy was printed in *COLLIER's* in the following words:

"*COLLIER's* will accept no advertisements of beer, whiskey, or alcoholic liquors; no advertisements of patent medicines; no medical advertisements or *advertisements making claims to medicinal effect*; no investment advertising promising extraordinary returns, such as stocks in mining, oil, and rubber companies. The editor reserves the right to exclude any advertisement which he considers extravagant in claim, or offensive to good taste." By a freak of the demon who torments printing offices, the announcement appeared next to a testimonial advertisement for Postum. This was very mild and harmless compared with matter which Post has printed since, but it did "lay claim to medicinal effect." A correspondent called our attention to this inconsistency.

Post's Advertising Refused

Forthwith, that advertising was ruled out of *COLLIER'S*. Condé Nast, then advertising manager, wrote to the Grandin Company of Battle Creek, the advertising agency which had placed this copy, advising them of the fact. The Grandin Company was really only an annex to the Postum Cereal Company, formed to secure the agent's commission on all of their advertising. But at this time it was posing as an independent agency. In its advertisements it announced that "among other clients" it had the Postum Cereal Company. Mr. Nast made his refusal tactful. Such matter did not harmonize with *COLLIER'S* editorial policy regarding patent medicines. If the Postum Company would replace this testimonial matter by its regular display advertising (which made at that time no medicinal claims), *COLLIER'S* would be glad to accept it. Post, in an indignant letter, refused to make the change. "I do not state that your present advertising makes claims of medicinal ingredients," responded Mr. Nast, "but what conflicts with our advertising policy is that the advertising makes claims of medical *effects*." Thereupon, *COLLIER'S* and the Postum Company broke off all business relations.

Note carefully the next stage in the proceedings. It constitutes the only shred of an answer which the Postum Company could offer in the subsequent libel proceedings. From time to time, *COLLIER'S*, like most other publications, sends circulars to the great advertisers and the great advertising agencies. On the mailing list of five thousand names *COLLIER'S* retained the Grandin Agency, though it struck off Postum. For the Grandin Company was still posing as a general agency, and announcing by implication that it had other clients than the Postum Company. In the next year or so, the Grandin Agency received from *COLLIER'S* two circulars, calling attention to special numbers of *COLLIER'S*.

After the publication of his articles on medical frauds, Samuel Hopkins Adams wrote for *COLLIER'S* a series of editorials on the same subject. The Postum Company, in the mean time, had grown bolder and bolder in its published insinuations that Postum, a coffee substitute, had medicinal virtues; and it had begun to state that a diet of Grape-Nuts would ward off impending attacks of appendicitis. Adams noticed this; in the issue of July 27, 1907, *COLLIER'S* published one of his editorials,

COLLIER'S will accept: no advertisements of beer, whisky, or alcoholic liquors; no advertisements of patent medicines; no medical advertisements or advertisements making claims to medicinal effect; no investment advertising promising extraordinary returns, such as stocks in mining, oil, and rubber companies. The editor reserves the right to exclude any advertisement which he considers extravagant in claim, or offensive to good taste.

By a freak of the demon who torments printing offices, the announcement of Collier's new advertising policy appeared in the issue of Nov. 4, 1905, beside this testimonial advertisement of Post. A subscriber cut out this part of the paper and sent it to Collier's with the comment as it appears in the picture. Forthwith The Postum Company's advertising was ordered out of Collier's.

 FUNNY !!
People Will Drink Coffee When It "Does Such Things"

"I began to use Postum because the old kind of coffee had so poisoned my whole system that I was on the point of breaking down, and the doctor warned me that I must quit it.

My chief ailment was nervousness and heart trouble.

"Any unexpected noise would cause me the most painful palpitation, make me faint and weak.

"I had heard of Postum and began to drink it when I left off the old coffee. It began to help me just as soon as the old effects of the other kind of coffee passed away. It did not stimulate me for a while, and then leave me weak and nervous as coffee used to do. Instead of that it built up my strength and supplied a constant vigor to my system which I can always rely on. It enables me to do the biggest kind of a day's work without getting tired. All the heart trouble, etc., has passed away.

"I give it freely to all my children, from the youngest to the oldest, and it keeps them all healthy and hearty." Name given by Postum Co., Battle Creek, Mich.

There's a reason.
Read the little book, "The Road to Wellville," in plug.

*"Baraishency
Thou art a jewel"*

written without consultation with any employee of COLLIER'S—written solely on his own judgment and initiative—which contained this passage:

"Take certain recent exploitations of 'Grape-Nuts' and its fellow article 'Postum,' put out by the same concern. One widely circulated paragraph labors to produce the impression that 'Grape-Nuts' will obviate the necessity of an operation in appendicitis. This is lying, and, potentially, deadly lying. Similarly, 'Postum' continually makes reference to the endorsements of 'a distinguished physician' or 'a prominent health official,' persons as mythical, doubtless, as they are mysterious." True, all of it, and rather mild, considering the facts.

C. W. Post, founder, dictator, and advertising expert of the Postum Company, was in Europe at the time. It was five weeks before he replied. Then appeared an advertisement signed by

the company. It was headed: "The 'Yell-Oh' Man and One of His Ways." There is not room to publish all his abuse. We merely cull from it the phrases "mendacious falsehoods," "poor clown," "venom behind it." The damaging thing was the charge that **COLLIER'S** had attacked him because he refused to advertise—in short, that we had attempted blackmail. "When a journal wilfully prostitutes its columns," he wrote, "to try and harm a reputable manufacturer in an effort to force him to advertise, it is time the public knew the facts. The owner or editor of **COLLIER'S Weekly** cannot force money from us by such methods." Incidentally, he repeated the dangerous statement which justified the Adams editorial:

"It is a practical certainty that when a man has approaching symptoms of appendicitis, the attack can be avoided by discontinuing all food except Grape-Nuts and by properly washing out the intestines."

He published this advertisement as widely as the American press circulates. In New York State alone it appeared in forty-four city and small city newspapers. Robert J. Collier immediately sued him in the sum of \$250,000 for libel. Post responded by publishing another advertisement, entitled "Boo-Hoo—Shouts a Spanked Baby." This reiterated his charge that the attitude of **COLLIER'S** constituted a "systematic, mercenary hounding." "That great jury, the public," said Post, "will hardly blame us for not waiting until we get a petit jury in a court-room before denouncing this prodigal detractor." For that advertisement, also, Robert J. Collier has since entered suit.

An Unprecedented Verdict

The trial of the original case, founded on the charge of blackmail in the "Yell-Oh' Man" advertisement, began in November. It lasted ten days; and the jury, after deliberating an hour and a half, found for the plaintiff and awarded damages in the sum of \$50,000.

Above is our case. The Postum case had only one real support, and that so flimsy as to prove Post's desperation. The circulars sent by **COLLIER'S** since 1907 to the Grandin Agency, and signed in rubber stamp with the name of the advertising manager, were interpreted by Mr. Post's counsel as attempts to make the Postum Company advertise, and the request for display matter instead of testimonial reading notices in Mr. Nast's

ADVERTISING DEPARTMENT

COLLIER'S WEEKLY

COLLIER'S

Collier

Nov 9 5

All

Postum & Grape-nuts Ad.
beginning with Nov 18th, changing for every

2 weeks

13¹/₂

Regular order to come from

A. J. Farwell

THE "ORDER OF CANCELLATION"

After this, no advertisement of The Postum Company ever
appeared in Collier's

polite letter of cancellation, as a veiled insinuation that COLLIER'S expected the Postum Company to increase its advertising, since display generally takes up more space, and is therefore more costly, than reading notices.

This is a bare review of the bare issue. But the case went further. The attorney for COLLIER'S stated in opening that he would rest not only on the claim of libel, but on the truth of Mr. Adams's statement. So, from the testimony taken at the trial, very slightly supplemented by other facts which will help make it intelligible, we are able to tell the reader of COLLIER'S what Postum and Grape-Nuts are, by what means they are advertised, what is the real source and motive of their elaborate testimonials, a sample of which the reader can doubtless find by

referring to this morning's newspapers, and, finally, who and what is C. W. Post.

Mr. Post first; for he is probably more interesting than his wares. Post, it appears, came into public notice as a mental healer near the city of Battle Creek, Michigan. He has testified in another trial that he was cured of "chronic ills" by a mental-science healer named Mrs. Agnes Chester—just as he was later cured of appendicitis by his own Grape-Nuts. In spite of his prosperity, he has been a heavily afflicted man, it appears. And in 1893 he was running at Battle Creek a sanitarium or boarding-house, called La Vita Inn, for persons under mental treatment. His particular brand of mental healing was known as Scientia Vitæ. To spread the sect and fill the inn he published in 1893 his first book, a treatise on Mental Healing, entitled, "I Am Well." Really, this book was only a more intelligible copy of ideas presented in other more popular and better-known works on healing by the mind. There are the same pretentious claims to divine guidance—"it produces a feeling of great quiet and comfort within, to be the pen by which Our Father conveys to you his great truths which will make you free from pain and disease," says Post in beginning—the same generalities concerning the perfect man and the denial of pain, the same stories of marvelous cures. Concerning these tales, let us return to the late trial. By COLLIER's counsel, and by one of the jurors, Post, a squirming witness, was pinned down to the successive admissions that he had charge of mental healing at La Vita Inn, that he practised it himself, that he told, in his book, how he had "healed" a case of erysipelas by Scientia Vitæ. Later, warming up, Mr. Post spoke quite readily of that cure, testifying as follows:

"A.—That case of erysipelas was a man who came to me . . . one morning when I was out in the carriage house of my stable doing a little work, sorting some pears, in fact, and I remember the case very well, indeed, because when I turned to look at the individual, there was a face swollen half beyond its ordinary size, with evidence of erysipelas. . . . He was in great pain, as he stated, and said that he had been treated by some physicians downtown, and had heard that there was some remedy out at the inn, so-called. . . . I am unable to say any more exactly, or to analyze exactly what it is that conveys or carries the healing impulse; it is sufficient to say that when the man told me his

trouble I told him to go into the house, and that I would be in there shortly. . . . I went toward the house and at the back corner found the man standing. I said: 'Didn't I tell you to go around to the front and go into the house?' He said: 'Yes, but I have no reason to go in there.' I said: 'Why?' He said: 'Because my pain has left me, I have none.' I said: 'Do you mean to say that you have no pain, no trouble?' He said: 'None at all.' . . . I said: 'Go downtown and don't dig it up again, and in the course of two or three days Nature will set up a change in your face in a natural sort of a way. If your pain is gone, don't bring it up again.' . . . One morning he appeared about breakfast-time with his mother in a carriage . . . and he brought her up to see if she could be relieved . . ." As one learns from the review of this case in "I Am Well," the mother had a very painful ulcerated tooth. Post looked at her and told her she was well. Guess what happened? The pain and swelling went away.

"I Am Well" contains accounts of about a dozen cures, all performed by Post through Scientia Vitæ. The complaints included dyspepsia (of twenty-five years' standing), insomnia (cured in five minutes), nervous trouble complicated by taste for tobacco and whisky (for which the patient lost all desire), a complex disease involving the stomach, liver, bowels, spinal cord, and the right ankle and heel (the patient was "one of the living skeletons"), inflammation of the neck of the bladder, and a complaint only vaguely described—"a person lifted from a death-bed through Scientia Vitæ, and who became round, fat, and rosy quickly."

The Stomach and the Soul

But the passages in "I Am Well" which relate to the subject in hand are those touching on diet. No special kind of food, it appears, will make you well. What is necessary is to put yourself in tune with the infinite—"Read carefully, thoughtfully, not more than twenty pages daily. Afterward seek an easy position where you will not be disturbed, relax every muscle, close your eyes, and go into the silence where mind is plastic to the breathings of Spirit and where God talks to the Son. The thoughts from Divine Universal Mind come as winged angels and endow you with their healing power. If you go into the silence, humble and trusting, you will come out enriched and greatly strengthened in body, by contact, even for a short time, with the Father of all Life and all power. You will feel refreshed

DECEPTION THERE IS, in advertising, as in all dealings between the imperfect human animal and his equally imperfect fellow. It is lessening with the spread of intelligence. Some, that is still conspicuous in print, is unnecessary, and hence incredibly stupid. For example, take certain recent exploitations of "Grape-Nuts" and its fellow article "Postum," put out by the same concern. One widely circulated paragraph labors to produce the impression that "Grape-Nuts" will obviate the necessity of an operation in appendicitis. This is lying, and, potentially, deadly lying. Similarly, "Postum" continually makes reference to the endorsements of "a distinguished physician," or "a prominent health official," persons as mythical, doubtless, as they are mysterious. Here are two articles of food which, unless there is some secret reason against it, should sell on their merits. Yet their manufacturer persists in insulting the intelligence and alienating the support of people who might otherwise purchase them. "I've stopped taking Grape-Nuts since it became a patent medicine," said an acquaintance of ours recently. The editor of a prominent religious journal, writing of the cancellation of certain patent-medicine contracts, says: "I have sometimes the same feeling toward the Postum, advertisements, and those of Grape-Nuts. . . . The manner in which they are pushed, and the phraseology used to commend them, constantly cause me annoyance." If these breakfast foods desire to be classed in the public mind with the fraudulent and failing patent medicines, they are taking the proper steps to that end. But isn't it worth their while to stop and consider whether, in the long run, it will pay to identify themselves with a class of merchandise which has no other selling power, save only that which it derives, at an enormous outlay and an increasing risk, from mendacious claims?

THE "POTENTIALLY DEADLY LYING" EDITORIAL

by *Samuel Hopkins Adams* which appeared in *Collier's* July
27, 1907

in every way, and food taken will digest readily, as stomach works smoothly when under the influence of Higher Power." Again: "Let it be known, once for all, that *all causes* of disease in man, whether of so-called stomach trouble, bowel trouble, consumption, cancer, heart disease, rheumatism, or what not, *are the result of mental conditions of inharmony*. The dead material of which the body is made can originate and produce nothing." This in 1893. By the end of the century, Post had changed his doctrine, as many great teachers do. He

was then manufacturing Postum and Grape-Nuts; and, as the advertisement in your daily newspaper will show you, every package contains a pamphlet entitled: "The Road to Wellville." This includes a great many sentences, and a great many ideas, lifted bodily from his earlier work, "I Am Well"; but with an important addition. Divine Harmony alone will not make you well, according to "The Road to Wellville." It must be Divine Harmony plus a diet of Postum and Grape-Nuts. Listen to one passage. The author has been describing Positive and Negative currents of thought, showing how hate, anger, and the like disturb the body, and how thoughts of health, happiness, peace, harmony, beauty, restore it. But: "You can not get well by exercise alone, or by thinking positive thoughts alone. You absolutely must give up the food and drink that disagree with you. . . . Postum Food Coffee and Grape-Nuts will prove their solid worth and inestimable value in rebuilding the body, if steadily used, and the improvement can generally be noticed in a week's time."

Post Enlarges His "Mission"

That is ahead of the story, however. What started Post in the cereal food business is uncertain. He says himself that he needed a food to ward off attacks of appendicitis, and that his experiments led him to the Grape-Nuts "formula," and, further, that he worked out Postum as a coffee substitute at La Vita Inn. More likely, he proceeded on the lines of the advertising agent who telegraphed once to a wholesale drug, firm in St. Louis: "What is your bottom price for a million dozen sweet cathartic pills? I have a name." At any rate, he began the manufacture of Postum, a plain coffee substitute, only a dilute copy of the roasted-wheat-and-molasses substitute coffee which our grandmothers made for our grandfathers, and Grape-Nuts, just a plain breakfast food. The era of heavily advertised breakfast foods was just dawning. Post, who used the newspapers liberally from the first, was the one important producer of these commodities who lied persistently in his advertising. At first he claimed almost impossible powers of nutrition for Grape-Nuts. "The system will absorb a greater amount of nourishment from one pound of Grape-Nuts than from ten pounds of Meat, Wheat, Oats, or Bread," he used to say on his packages. The Pure Food Law of 1906 made that method of

labeling illegal. It did not, unfortunately, prevent such claims in advertising. And more and more Post exploited the "remedial" virtues of both Postum and Grape-Nuts. The latter was "the food for brain and nerves," the "stuff brain is made of," "predigested," "almost wholly composed of pure grape-sugar," "predigested food." Finally, he advertised that a diet of "predigested Grape-Nuts alone" would ward off appendicitis. As for Postum, from a plain coffee substitute it became a food drink; and from praising it negatively by exploiting the real or alleged dangers of the "coffee habit," Post came to praise it positively as a "builder" which "nourishes and strengthens without depressing." And his business flourished until he covered the old site of La Vita Inn with a dozen factories, and until he reckoned his net profits at a million a year.

He began his testimonial advertising early; this was a paying line, it would seem, for he used it more and more. If you wish a sample, refer again to your newspaper. It must be there. These testimonials are anonymous. Sometimes a mother of many children is stricken with heart failure or palpitation. After trying all remedies, she gives up coffee and uses Postum. It always works a cure—when well boiled. Sometimes it is a wise physician who has recommended it. Sometimes the physician himself writes in praise of Postum. As for Grape-Nuts, there are "endorsements" without number of its effects in cases of impending appendicitis and chronic indigestion. These testimonials are never signed, but they always conclude: "Name given by Postum Co., Ltd., Battle Creek, Mich. There's a Reason." And, finally, the Post advertising proclaimed the endorsement of "prominent physicians" and "health officers." Let us mention here that no physician of standing would give public endorsement to a patent food any more than he would perform a criminal operation or refuse aid to a sick pauper. It is against the ethics of the most highly honorable of all professions.

Post got those testimonials by advertising for them. In New York he used for that purpose the "New York Magazine of Mysteries," whose editor is now in the Federal penitentiary for fraudulent use of the mails. For example, Post announced in that magazine in 1907: "More Boxes of Gold and Many Greenbacks—325 boxes of gold and greenbacks will be sent to persons who write the most interesting and truthful letters on the following topics: 1. How have you been affected by coffee drinking

The "Yell-Oh" Man And One of His Ways.

To call a man a liar seems rude, so we will let the reader select his own term.

Sometime ago the Manager of "Collier's Weekly" got very cross with us because we would not continue to advertise in his paper.

We have occasionally been attacked by editors who have tried to force us to advertise in their papers at their own prices, and, on their own conditions, failing in which we were to be attacked through their editorial columns. The reader can fit a name to that tribe.

We had understood that the editor of "Collier's" was a wild cat of the Sinclair "jungle bungle" type, a person with curdled gray matter, but it seems strange that the owners would descend to using their editorial columns, yellow as they are, for such rank out and out falsehoods as appear in their issue of July 27th, where the editor goes out of his way to attack us, and the reason will appear tolerably clear to any reader who understands the venom behind it.

* * * * *

What a Journal wilfully prostitutes its columns, to try and harm a reputable manufacturer in an effort to force him to advertise, it is time the public knew the facts. The owner or editor of Collier's Weekly cannot force money from us by such methods.

POSTUM CEREAL CO., Ltd.

THE LABEL

This advertisement, published in forty-four newspapers of New York State, and in hundreds of newspapers in other States, cost the Postum Company a \$50,000 verdict as damages in New York State alone.

and by changing from coffee to Postum? 2. Give name and account of one or more coffee drinkers who have been hurt by it and who have been induced to quit and use Postum, etc., etc."

For each of the five best answers the Postum Company offered a prize of a \$10 gold piece in a box, to the next twenty \$5 each, to the next one hundred \$2, and to the next two hundred \$1. He varied that copy with another headed "Y I O—Grape-Nuts." Prizes were offered to the persons forming the greatest number of words from the above combination of letters. One read far into the conditions before he learned that each answer must be accompanied by a testimonial to Grape-Nuts.

Post admitted on the stand that he got "10,000, 20,000, 100,000" testimonial letters a year by this method. And by his own admission these letters were "rewritten" before publication. Post, in fact, declared under oath that not one of them had ever been printed just as it was written by the author. Further, the Postum Company never made any attempt to investigate the truth of the testimonials. Still further, the company sent stamps to the authors of popular letters, that they might answer inquiries. The originals of these testimonials never reached the jury. Mr. Collier's attorneys demanded them during a preliminary examination held at Battle Creek. "They are in the hands of our New York attorney," said Post; "I promise to produce them at the trial." When, at the trial, James W. Osborne, of counsel for Mr. Collier, demanded them, Mr. Philbin, representing Post, said: "I have never seen them. Why didn't you serve the customary five days' notice?" Probably the world is poorer in laughter for the suppression of these valuable human documents.

Post's "Prominent Physician"

In the crucible of law, the testimonials from "prominent physicians" and "health officers" melted down to one item—the endorsement of Dr. B. F. Underwood. Mr. Post, it is true, had promised to put a health officer on the stand; but the man telegraphed at the last moment that he could not come. Dr. Underwood, however, was there. He was the only author of a Postum Cereal Company testimonial who appeared in court, and COLLIER's produced him. And this is his story—the essential facts from his testimony, the rest from private conversation.

He is no longer a physician. He is a printer. Once, however, he practised in small Pennsylvania and New Jersey towns

as a homeopathist. He held the belief that coffee is a common cause of common ills. Knowing of the Post anti-coffee campaign, he tried to patch out his income by writing him an anti-coffee article. Post looked over the article and amended it by adding two sentences which mentioned Postum. He sent it back to Underwood, saying in effect: "If you get this published, including the name of Postum, in some medical journal, I will pay you for it." Underwood had it printed in the "American Physician," lately born and now dead. And Post made good. He sent Underwood \$10. That article, whose form and wording gave Postum a kind of medical seal and approval, Post published over the country in half-page advertisements. This was the "endorsements of prominent physicians" of which we hear so much in Postum advertising.

Now, just what is Postum, and what is Grape-Nuts?

Our grandmothers and our mothers used to make for members of their families suffering from too much coffee a homely substitute. They poured molasses over wheat grains, dried and ground the mixture, and got the liquid by the usual process of boiling. Postum would be just that but for the bran mixture. To those who have never fed the cattle on the farm, be it explained that bran is the shell of wheat. It contains nutritive elements, as sawdust does, but, as with sawdust, they are not in such form that the human stomach can assimilate them. Cattle, with their four stomachs, can get nourishment from bran. We can not.

And Postum is made from roasted and ground bran, wheat, and molasses—mostly bran. The exact proportion of bran can not be wormed out of the reluctant Post employees, even on the witness stand. It is certainly more than fifty per cent; it may be much more. Eight million pounds of bran are delivered every year to the Postum works in Battle Creek. As a harmless, non-toxic substitute for coffee, it is all right if you like it. As a "food drink" it has no more value than the coffee which it supplants, and little more than hot water. It is not true, as some believe, that Postum is "doped" with coffee extract. It would be harmless were it not so advertised that it leads the sick to attempt treatment by Postum instead of by a physician.

A Plain Breakfast Food

Grape-Nuts is a breakfast food, very like brown bread in composition, but prepared by a special process which involves, so Mr. Post says, twenty-seven hours of baking and drying. It is just a breakfast food, nothing more. It is a little more nourishing, ounce for ounce, than some, less nourishing than others, and far less nourishing than many simple foods which never bore a trade-mark. The Michigan State Agricultural College published in 1904 their results on a series of experiments to determine the value of breakfast foods, patent and plain. Pound for pound, the fuel value of Grape-Nuts proved a little higher than that of whole wheat bread or graham bread; but that is because it contains less water. But the table headed "Total Amount of Nutrients and Their Fuel Values in the different foods for ten cents" told a different story. Ten cents' worth of entire wheat bread or graham bread, it appears from that table, has one and a half times the fuel value of ten cents' worth of Grape-Nuts.

However, Post has almost ceased to claim that Grape-Nuts "contains more nourishment than any other known food." His main hold now is the assertion that it is "predigested," that it is "dextrose and grape-sugar, made by special process of entire wheat and barley." From this grows the absurd, the murderous, claim that a person attacked by the swift and deadly appendicitis may get well through eating Grape-Nuts, without any other food, and "washing out the intestines." On that point—the alleged predigestion of Grape-Nuts—the court took several days of testimony. The reader must bear with a little scientific terminology; we will keep it as brief as possible.

Grape-Nuts is made of wheat, barley, salt, and yeast. The barley, in the process of making, is malted or allowed to sprout. It is ground and mixed with whole wheat flour in the proportion of one part to two; the mixture is then treated like ordinary bread, being mixed with yeast, raised, and baked. The brown bread, after baking, goes through a grinding and drying process, lasting several hours. It comes out, ready for packing, in brown grains.

Now the food constituents of Grape-Nuts, like those of other cereal foods, are proteins and carbohydrates. Of the former, this food has ten per cent; of the latter, seventy-five. Let us dismiss the proteins. The long baking hardens and toughens

INCUBENT CONSUMPTION New Food Ended of the Fatal Disease.

The happy wife of a good old-fashioned Mich.-farmer says: "In the spring of 1902, I was taken sick—a general breaking down, as it were. I was excessively nervous, could not sleep well at night, my food seemed to do me no good, and I was so weak I could scarcely walk across the room. The doctor said my condition was due to overwork and close confinement and that he very much feared that consumption would set in. For several months I took one kind of medicine after another, but with no good effect—in fact, I seemed to grow worse."

"Then I determined to quit all medicines, give up coffee and see what Grape-Nuts food would do for me. I began to eat Grape-Nuts with sugar and cream and bread and butter three times a day. "The effect was surprising! I began to gain flesh and strength forthwith, my

MALARIA!! Generally That Is Not the Trouble.

Person with a susceptibility to malarial influences should beware of coffee, which has a tendency to bad up the liver with bile.

A lady writes from Denver that she suffered for years from chills and fever, which at last she learned were mainly produced by the coffee she drank. "I was also grievously afflicted with headaches and indigestion," she says, "which I became satisfied were likewise largely due to the coffee I drank. Six months ago I quit its use altogether and began to drink Postum Food Coffee, with the gratifying result that my headaches have disappeared, my digestion has been restored and I have not had a recurrence of chills and fever for more than three months. I have no doubt that it was Postum that brought me this relief. [I have used no medicine while this improvement has been going on.] It was really relief from congestion of the liver caused by coffee.)

UNCONSCIOUS POISONING

Now as Often Happens From Coffees.

"I had no idea," writes a Duluth man, "that it was the coffee I had been drinking all my life that was responsible for the headaches which were growing upon me, for the dyspepsia that no medicines would relieve, and for the acute nervousness which untried me not only for work but also for the most ordinary social functions.

"But at last the truth dawned upon me. I forthwith bade the harmful beverage a prompt farewell, ordered in some Postum and began to use it. The good effects of the new food drink were apparent within a very few days. My headaches grew less frequent, and decreased in violence, my stomach grew strong and able to digest my food without distress of any kind, my nervousness has gone and I am able to enjoy life with my neighbors and sleep soundly at nights. My physical strength and nerve power have increased so much that I can do double the work I used to do, and feel no undue fatigue

These are some of the advertisements which Post sent to Collier's after his advertising was thrown out of the Weekly, and which Collier's refused to print

them; it is pretty certain that this decreases their digestibility. The white of an egg, which is a typical protein, is less digestible hard-boiled than soft-boiled. And the same is probably true of the proteins of Grape-Nuts.

The carbohydrates of wheat and barley are starch. Grape-Nuts, therefore, is seventy-five per cent starch. And the process of starch-digestion is as follows: In the mouth the saliva starts the transformation. A little of the starch is changed to dextrin. As soon as the starch strikes the stomach the process of digestion ceases, not to be resumed until the starch reaches the duodenum. There, through several intermediate processes, the whole mass finally becomes *dextrose*. In that form it is ready to be taken up by the blood, and the process of digestion is complete. *Grape-sugar* is a common name of *dextrose*.

Now as to Grape-Nuts, which Post at various times has advertised as "pure grape-sugar" and "dextrose": The process of malting the barley, and perhaps to a very slight degree the long baking, changes part of the barley into *maltose*, one of the intermediary substances between dextrin and dextrose. This maltose comprises about ten per cent of the whole substance of Grape-Nuts. Only a trace of it becomes *dextrose* or grape-sugar. Weigh the ten per cent of proteins, rendered tougher and less digestible by long baking, against the ten per cent of carbohydrates modified into one of the preliminary substances of starch-digestion, and the balance between increased digestibility and retarded digestibility is about even. If anything, it favors Grape-Nuts. But this relates only to the starch in the *barley*; it does not reckon with the starch in the *wheat*. None of that is changed into maltose or into any other substances progressing toward dextrose. The starch granule is surrounded by a little envelope of fiber which must be broken before the digestive process can begin. That is why we cook wheat flour. And experiment has shown that fewer of these envelopes are broken in Grape-Nuts than in wheat bread, for example. Of the starch remaining in Grape-Nuts after ten per cent has been converted into maltose, thirty-six per cent is in an insoluble state—the envelope of fiber is not broken. And this tips the scale slightly against Grape-Nuts. As a matter of fact, in digestibility there is practically very little difference between Grape-Nuts and the brown bread which it resembles. One would suit one man a little better, and the other another, according to individual idiosyncrasy. Neither is an invalid food. And on the

basis of Post's own claims, Grape-Nuts would probably be a little more likely to cause appendicitis than bread—if either ever causes appendicitis. For Post declared in the hectic advertisement which cost him a \$50,000 verdict: "Let it be understood that appendicitis results from long-continued disturbance in the intestines, caused primarily by undigested food, and chiefly by undigested starchy food. . . . These lie in the warmth and moisture of the bowels in an undigested state, and decay, generating gases and irritating the mucous surfaces until, under such conditions, the lower part of the colon and the appendix become involved." Now as our brief analysis shows, Grape-Nuts *has a greater proportion of "undigested starchy" matter than bread*. And yet we would not go so far as to charge that Grape-Nuts causes appendicitis.

Post's attorneys tried to drag from this expert or that facts about appendicitis, facts about the chemical constituents of food, which would cloud the issue. But on one thing the experts of the plaintiff and the experts for the defendant were all agreed, namely:

The first thing to do in an attack of appendicitis is to make the patient discontinue all food. Acute, subacute, septic—it is the same thing. Food, even the lightest and most easily digested food, is almost inevitably fatal, owing to its action on the bowels.

Dr. Paul Outerbridge, called as an expert by the Postum Company, was on the stand, under cross-examination by Mr. Osborne. This passage occurred:

Q.—You would not undertake to give advice for the whole world that in a case of approaching appendicitis a man could go on eating food, would you?

A.—I should want to see my case.

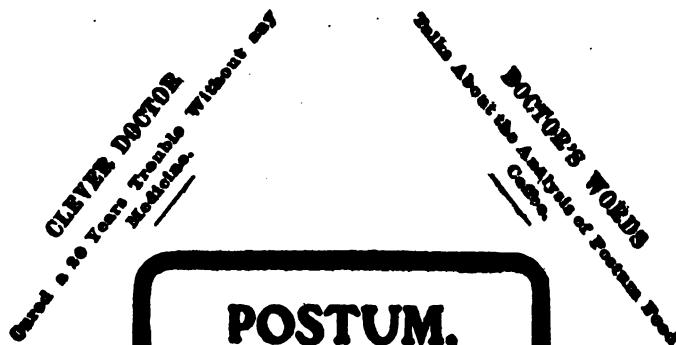
Q.—That advice might prove extremely hazardous, might it not?

A.—It might.

Q.—And perhaps fatal? I think you said that. Is not that right?

A.—Yes, that is right.

Here we have it, the kernel of the whole matter. To sell his food products, to make his million a year in profits, his million a year in advertising, C. W. Post bargains and compounds with death exactly as do the patent-medicine fakers. If any one, feeling the first pains of acute appendicitis, ever took the advice of



POSTUM,

The Grain Coffee, has the
endorsement of the best

PHYSICIANS.

It builds flesh, strength,
and muscle.

Read "The Road to Wallville" in page

The "Best Physicians," under the cold scrutiny of law, came down to one country practitioner who is now a journeyman printer. Post paid him \$10 to get an indorsement of Postum in a short-lived medical journal

C. W. Post and "ate only Grape-Nuts," he doubtless added his epitaph to the "unsolicited testimonials" which Post would not produce in court.

Further, the expert testimony proved that Grape-Nuts is not a brain food. There is no such thing as a "brain food." Any food nourishes the little toe as well as the brain; and the only way to build up a depleted brain by food is to build up the whole system. "The stuff brains are made of—Grape-Nuts"; "We say again the food for brain is Grape-Nuts"—these assertions, although less dangerous, are as ridiculous as the assertion that a diet of Grape-Nuts will ward off appendicitis.

Now, concerning C. W. Post and the kind of man he is. To the picture of his mind and morals which appears in this sober

statement of facts, let us add two incidents from the trial, as a kind of summing up.

Post was on the stand—a dodging, squirming witness. There was in evidence a piece of his own testimony in his bankruptcy suit. "Did you testify to this?" Mr. Osborne asked again and again. "I don't remember," was Post's stereotyped reply. In the end Mr. Philbin, his counsel, stepped forward and said: "We admit that this is his testimony."

They came to examine him as to his qualifications to write of appendicitis in 1905—the period when *COLLIER'S* threw out his advertising.

He was asked what authorities on the subject he had consulted. He named six or eight. He pointed out a pile of books in possession of his attorney as the very ones he had read.

"Did you consult the books from these editions here?" asked Mr. Osborne.

"From those and various editions," answered Post, overlooking the bait.

Mr. Osborne picked up book after book from the pile and showed the title-pages to the jury. All, except two, had been published since 1905.

One short word, the pet of ante-bellum journalism, has gone a little out of fashion in these mild later days. It should be revived occasionally, because none other fits so well. We should use it now, but we won't. We'll merely state:

C. W. Post is a faker.



THE POSTUM FACTORIES

On the site of the old La Vita Inn, C. W. Post, largely by unfair advertising, has built up this great business in fifteen years

The Postum Co.'s Fake Testimonials

Vain Efforts of Collier's to Discover a Single Testimonial Writer

In April, 1910, Collier's obtained from the New York Supreme Court permission to go to Battle Creek, Michigan, the home of The Postum Cereal Company, and take testimony there concerning Post's alleged "genuine" and "unsolicited" testimonial letters—those mysterious letters which always carry this tail in the Postum advertisements: "Name given on application to The Postum Cereal Co., Ltd., Battle Creek, Mich."

The following extracts from the testimony taken in Battle Creek, followed by extracts from the testimony upon the trial in New York, show three things:

First: That instead of being "unsolicited" these letters are advertised for and paid for by the Postum Co. with money prizes.

Second: That no inquiry is made by the Postum Co. whether a testimonial letter which they buy is truthful or is only a "write-up" by some irresponsible person to gain a money prize.

Third: That not a single one of the thousands of letters printed by the Postum Co. is printed as received—all are "re-written."

From the Testimony Taken in Battle Creek

Lindsay J. Lamson, advertising manager for the Postum Co., being duly sworn, testified as follows:

Q.—Will you find out whether or not the testimonial letter printed in that exhibit is still in existence, and if it is in existence will you produce it?

Mr. Lewis (attorney for Post): This testimonial letter or any other testimonial letter or any other paper of similar kind is the property of the Company and will not be produced at this time. . . . They will be produced in due time in New York.

Q.—Now, Mr. Lamson, have you ever known of a scheme of any kind to induce to secure testimonial letters for The Postum Cereal Co.?

A.—No sir, no scheme. I do not know what you mean by scheme.

Mr. Post: I do not hesitate to tell you that we have offered prizes for people who would write in and tell us their experience.

Q.—Do you ever put into the packages an offer of any kind for a testimonial letter?

A.—We have included the same offer of prizes for the best written testimonial letters.

Q.—Placed in the boxes of Grape-Nuts?

A.—Yes, only for a limited time.

Pressed further to produce these testimonial letters, the witness refused to answer "on the advice of counsel" and the attorney for Post made the following stipulation to produce the sought-for letters in New York:

Mr. Lewis: . . . the bulk of that material is also in New York; and we will state on the record here and now that any material of that kind, copies of advertisements actually sent out by the Company or original testimonial letters, and similar matter will be produced in New York; . . . the majority of these are in the New York attorney's hands.

Mr. Kelley (attorney for COLLIER'S): You speak with authority for the Company, for The Postum Cereal Company, the defendant in this action?

Mr. Lewis (attorney for Post): I do.

The witness Lamson was then examined as follows on the truthfulness of the testimonial letters:

Q.—Do you believe that those [statements in certain testimonial letters] are truthful statements?

A.—I have no reason to believe them otherwise. I don't know why I should not believe it.

Q.—Do you know why you should believe it?

A.—I know that there is an original testimonial letter that made that statement, and I have no reason to presuppose that the person who wrote it was lying.

Q.—Is that the foundation for your belief?

A.—I could have no other; I never saw the party who wrote it.

Q.—Do you know of anybody that has seen the party who wrote it?

A.—I do not.

Q.—Do you know of anybody connected with The Postum Cereal Company who made inquiry concerning the person who wrote the letter upon which that advertisement is based?

A.—I do not.

Q.—Do you know whether or not it is the practise for somebody connected with The Postum Cereal Company to make inquiry as to the persons who write these testimonial letters?

A.—It is not the practise so far as I know.

Q.—Then so far as you know it is not the practise of The Postum Cereal Company to inquire into the truthfulness of these testimonial letters, received by them?

A.—As far as I know it is not.

From the Testimony Upon the Trial in New York

C. W. Post on the stand:

A.—For a series of years we offered small prizes to people who had been using Grape-Nuts and Postum if they would take the time to write an honest statement of their experience in the use of these foods . . . They were recompensed at least to the extent of \$1; we did that sort of work for quite a number of years, and from these letters we printed these testimonials. . . . They came in not only by the thousand but by the fifty and hundred thousand. Sometimes we sent a wagon to carry the mail bags.

Mr. Osborne (attorney for COLLIER'S): Now I call on you for the original testimonial mentioned in that exhibit.

MORE BOXES OF GOLD

And Many Greenbacks.

325 boxes of Gold and Greenbacks will be sent to persons who write the most interesting and truthful letters of experience on the following topics.

1. How have you been affected by coffee drinking and by changing from coffee to Postum.
2. Give name and account of one or more coffee drinkers who have been hurt by it and have been induced to quit and use Postum.
3. Do you know any one who has been driven away from Postum because it came to the table weak and characterless at the first trial?
4. Did you set such a person right regarding the easy way to make it clear, black, and with a snappy, rich taste?
5. Have you ever found a better way to make it than to use four heaping teaspoonsfuls to the pint of water, let stand on stove until real boiling begins, and beginning at that time when actual boiling starts, boil full 15 minutes more to extract the flavor and food value. (A piece of butter the size of a pea will prevent boiling over.) This contest is confined to those who have used Postum prior to the date of this advertisement.

A Postum Company advertisement from the "New York Magazine of Mysteries." This was the source of Post's "unsolicited testimonials" which he never investigated and which the advertising department always rewrote

Mr. Philbin (attorney for Post): I ask counsel for the plaintiff if he ever served notice on counsel for the defendant for the production of this paper.

Mr. Osborne: Why, another technicality!

Mr. Philbin: We were not notified that we were to produce it on this trial:

Mr. Osborne: They said the reason why they would not produce them in Battle Creek was because a majority were in the New York attorney's hands.

Mr. Philbin: Well, I have never seen them.

Mr. Osborne: Well, I call for it and you haven't it now.

Mr. Philbin: Certainly, I haven't it. If I had I would produce it whether I wanted to or not.

Mr. Osborne: Now, have you got here a single one of the original testimonial letters that are contained in any one of the advertisements in evidence—that are referred to in them? Have you got the original letters, *Mr. Philbin*?

Mr. Philbin: No, sir.

(Mr. Post still on the stand):

Q.—Now, I understand you to say that you advertised prizes for persons that would send you in good testimonials?

A.—Honest testimonials.

Q.—But you never took the trouble to go to New Hampshire, or Texas or California, or any other place, and find out whether the testimonials were true or not? Now, answer yes or no?

A.—I did not have the time. There were thousands, hundreds of thousands.

Q.—But I say, you did not go—I did not ask your reasons for not going—you did not go?

A.—No.

Q.—So that the patient—I mean that a person would write in and say Dr. Smith advised me to take Grape-Nuts and I was greatly helped; you did not take the trouble to find out whether Dr. Smith really had given the advice, or not, but you just printed the testimonial as it came in, is that right? Now, answer yes or no. Did you print it as it really came in, or did you change it?

A.—Not all of them.

Q.—Which did you do?

A.—Printed the honest ones as far as we knew.

TO PRETENDERS

A Wholesome Word for Goldhase.

* * * * *

These letters came to us absolutely without solicitation. We have a great many thousand from people who have been helped or entirely healed by following the suggestions to quit the food or drink which may be causing the physical complaints and change to Postum Coffee or Grape-Nuts food.

From a Postum Company advertisement. These "unsolicited testimonials" were evoked by a prize offer

Q.—Did you print it as it came in? Can you say yes or no?

A.—No. Because they were that long, some of them. (Indicating.)

Q.—And then you edited the testimonials after they came in?

A.—Practically every one.

Q.—Every one?

A.—And stuck to the facts.

Q.—So then, these testimonials, after they came in were not even the testimonials as they were sent in, but as a rule edited and prepared by The Postum Cereal Company, is that it?

A.—It would take a whole newspaper to print them.

Q.—Now, will you answer yes or no to that?

A.—They were edited, and contained all of the fundamental facts of the testimonial letter.

Mr. Osborne: Now, may I have the last part stricken out?

Mr. Philbin: I think not, if your Honor please. That is important to remain. It shows they contained all the facts.

The Court: Why don't the witness first say no?

Mr. Osborne: He says yes and then adds something to it.

The Court: Then no would be the answer. Take these two answers together.

Mr. Philbin: If the witness had been trained in the law, he would know that it was necessary to do it.

The Court: Now, we have had a training for a couple of hours.

Mr. Philbin: The witness only wants to tell the truth.

The Witness: No.

Q.—You did not print the testimonial as it was sent in, did you?

A.—Not always.
Q.—Did you do it at all?
A.—I don't remember.
Q.—Can you remember a single testimonial that you ever printed which was printed as it was sent in? Answer, yes or no.
A.—No.
Q.—So that when the testimonial appeared before the public, it had been changed by The Postum Cereal Company, is that right, yes or no? Now, please, will you, one minute?
A.—Yes, changed, and may I answer further?
Q.—No, you can't. They have been changed.
A.—All right.

Ever read one of these genuine letters?

DOCTOR EXPLAINS His Article in the Medical Magazine about Coffee.

One of the most famous medical publications in the United States is the "Alka-

From a Postum advertisement. These "genuine" letters are all rewritten in the office

Q.—I know what you are going to claim here. I have heard you claim it all. You claim, do you not, that the claim of honestly made—is not that what you meant to say?

The Witness: Is that a question?

Q.—Yes. Is that what you mean? I will let you say that.

A.—Yes.

Q.—But when they were published to the great American public they appeared to be published on the face of them, to be the testimonials that were sent in by the person? Answer, yes or no.

A.—Yes.

HOW FOOD WORKS

A Sure Way Out of Bowel Troubles:

So called "septic appendicitis" will often hang on for years. This is caused by white bread, potatoes and other forms of starchy food that the individual does not properly digest, and it is useless to attempt to make a permanent change by any form of drug, for all drugs "wear out" and in time refuse to benefit where the cause of the disturbance is not removed.

Septic appendicitis is a general term for a diseased condition of the bowels caused from undigested starch, and, as stated above, it may go on for years; yet people must have starchy food.

It is a well established fact among physicians and individuals who have made the experiment, that when bowel disturbances are shown, a change in food must be made, and that the famous pre-digested food—Grape-Nuts—is the most perfect remedy, for it contains no medicine of any sort, but it is made up of the selected parts of wheat and barley in which the starchy part has been changed into the form of sugar that is found in the human intestines after the starchy part of the food has been perfectly digested.

A DEADLY ADVERTISEMENT

An Exhibit of the Plaintiff. This little piece of Post faking is as dangerous as anything he ever did

Q.—And you never published anywhere, under any circumstances, that you had changed these testimonials, did you? Answer yes or no.

A.—We frequently announced that—

Q.—Now show me one single—does it appear here—do you claim that it appears in a single document here that has been presented to this jury, that you had changed any of these testimonials after they were sent in?

A.—I do not.

Q.—Did you bring to this jury and show them the original testimonials that came from your so-called highly distinguished health officers; did you bring it?

A.—I think it is with our papers.

Q.—Have you produced it?

A.—I don't know. My attorneys had that.

Q.—Let me have that one of the Postum that refers to that. Now, Mr. Post, I want to know another thing. When you got these testimonials that came in, did you express it in your own language—the testimonials that you rewrote and published; did you express the ideas in your own language?

A.—Not always.

Q.—Well, I don't mean did you do it sometimes?

A.—Yes, sometimes; the same facts.

Q.—Now, I did not ask you that. I asked you if you expressed your ideas in your own language?

A.—Not always.

Q.—But did you sometimes—don't answer equivocally, I am asking you for the positive facts?

A.—Sometimes.

Q.—You sometimes did. And did you sometimes write the whole of the testimonial from beginning to the end?

A.—Write the whole over again?

Q.—Now, you received a testimonial, we will say, from Maggie Jones of New Hampshire or Bessie Smith in Texas. Now, when you got that testimonial and you wrote it over, now, did you sometimes write the testimonials from the beginning to the end all over again, just using your own language?

A.—Perhaps, yes. I am not sure. But I want to explain further.

Q.—No, it doesn't need any explanation. That is enough for me. And then the next morning or the next day the advertisement will go forth to the world as being the testimonial of the name which you would give on application, is that right?

A.—It would.

Expert Testimony

Concerning Post's Deadly Advice, "Eat Grape-Nuts for Appendicitis"

(See some of Post's advertisements reproduced on page 8)

One clearly defined issue of the recent trial was: For a person suffering from appendicitis or threatened with appendicitis what will be the effect of following Post's advice to "eat Grape-Nuts" as the "perfect remedy"?

On this question all of the experts—those called by the plaintiff and those called by the defendant—agreed that such advice was bad and dangerous to life.

The following are extracts from the testimony given upon the trial in New York:

Dr. Robert Abbe, physician and surgeon in New York City (called by *COLLIER'S*):

Q.—How many operations have you performed for appendicitis?

A.—Over five thousand, many over that number.

Q.—Have you made a special study of appendicitis, its cause and its cure?

A.—I have.

Q.—Assuming that there is an ordinary breakfast food made of wheat and barley, containing in part a certain amount of maltose; in your opinion would the eating of that in any way prevent or tend to prevent the necessity for an operation in a case of appendicitis?

A.—Not at all; absolutely no.

Q.—And will you give your reasons for that statement?

A.—I must say that the appendix when it is diseased is diseased because it has some internal disorders. Those disorders are the result of old inflammatory conditions inside of the appendix—ulcerated conditions or strictures or a narrowing of the appendix which block its outlet so that it does not empty itself properly, does not drain properly, because it is merely a pouch hanging on to the alimentary canal, and therefore it becomes highly inflamed after it has been long diseased. This inflammation leads to an attack of so-called appendicitis, but attacks of appendicitis are

always preceded for many years, and unusually only sometimes by months, by a preceding inflammatory condition. That change in the appendix goes on unknown to the patient for many years until it finally becomes known to him by the attack, and that attack may be a very light one, and it may be repeated twenty times, or fifty times, although usually it is not repeated more than two or three times before it becomes somewhat serious. Sometimes the very first attack is very serious; sometimes an attack is fairly serious, and then the patient will go many years without another attack supposing that he is cured, and then an attack comes that is almost fatal and sometimes is fatal. And upon examining, having out the appendix, we find that it shows the disorders that were existent twenty-five years before perhaps; I have seen that very thing. In other words, all cases of appendicitis when they have become troublesome enough to be so-called appendicitis and to produce serious attacks are the last end of a diseased appendix. Therefore, in my judgment—from a surgical point of view—for I have examined thousands of them and have made very intimate studies of the interior condition of the appendix—I have every reason to believe that no question of food has anything to do with appendicitis; it is entirely a bacterial, ulcerative or disorganized condition or a malposition of the appendix in the patient, which has been present for some time before the attack.

Q.—And no kind of food will cure it, or tend to cure it?

A.—No, sir.

Q.—Assuming that a patient did have appendicitis and he was told to quit all food excepting Grape-Nuts; if the patient should follow that advice it might be fatal to him, might it not?

A.—It might prove fatal. . . .

Q.—Is this statement true [from a Grape-Nuts advertisement]: "It is a practical certainty that when a man has symptoms of approaching appendicitis the attack can be avoided by discontinuing all food except Grape-Nuts and by properly washing out the intestines"?

A.—We always when an attack of appendicitis is on stop all food . . . Any food is bad.

Q.—Now here is this defendant attempting to give this advice to a patient: that they must discontinue all food except Grape-Nuts and properly washing out the intestines. If the patient was in a very inflamed condition, what in your judgment would be the suggestion as to washing out the intestines?

A.—I may say—if I may answer you without specially answering any question—that if that advice is intended to take the place of a physician's advice it might be fatal.

Q.—That is just the point.

A.—That is the only way I would look at it, sir.

Dr. Harvey W. Wiley, Chief of the Bureau of Chemistry of the United States Department of Agriculture (called by Collier's):

Q.—What is your business?

A.—I am the Chief of the Bureau of Chemistry of the United States Department of Agriculture and chairman of the Board of Food and Drug Inspection of the United States Department of Agriculture.

Q.—How long have you held your position?

A.—Almost twenty-eight years.

Q.—Will you kindly tell me what your qualifications were to take the position; I mean where you were graduated?

A.—I am a graduate of a number of institutions. Hanover College, Indiana, was my first school. Afterwards I attended Harvard University. I am a graduate of the medical college, with the degree of M.D. I studied chemistry in Berlin University under Professor Hoffmann, the great chemist. I have practised agriculture, and, to a certain extent physiological and biological chemistry, for a number of years, until my time was wholly engrossed, for the last few years; and for the last few years I have not practised in chemistry, my time being wholly engrossed with executive duties.

Q.—Are you acquainted with the breakfast food known as Grape-Nuts?

A.—Yes, sir, I do know of such a food.

Q.—Assuming that in that food a part of the starch had been converted to maltose and assuming that thirty per cent of the starch is insoluble and assuming that it is a food made of wheat by a special treatment of entire wheat and barley, in your opinion would the eating of such a food in any way tend to obviate the necessity for an operation for appendicitis?

A.—Not the least; not in any manner.

Q.—Suppose the person was threatened with such a disease as appendicitis, in your opinion would such a food as that be good for him?

A.—It would not do him any specific good. Any good food is good for a person threatened with any disease, but it would have no effect upon the disease specifically, none whatever. That is, no good effect.

Q.—How about this particular kind of food. I will ask you this: What is the tendency of predigested food? Is it good or is it bad for the human system?

A.—The consumption of predigested food can only in the end injure the person who consumes it and weaken his system and make him more susceptible to all kinds of disease than he was before.

Q.—Why is that so?

A.—Because nature has provided organs for the digestion of food. It is an established principle in physiology that the disuse of an organ of any kind weakens it. Therefore, any preparation of food which tends to eliminate the functions of any vital organ or to diminish them below the normal must in the end injure that organ, and thus injure the system in general.

Q.—Nature has provided for the digestion of food?

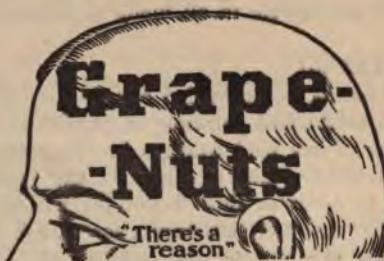
A.—Nature has provided for the digestion of wheat and barley, and if man robs nature of her functions those organs which nature has provided will be injured, and I would believe that it would be extremely dangerous to feed the human stomach, or the stomach of an animal designed to digest starch, nothing but sugar, although sugar has the same food value as starch and is also more easily assimilated; but the organs which digest the starch would become weakened so that if you come back to your normal food and if you would continue the use of an abnormal food—because that is what it is—you would certainly work injury on the human system, very grave injury if all the starch were digested, and a proportionate injury if a part of it is digested, before it goes into the stomach.

Q.—Therefore, to the extent that a food is predigested, to that extent it is injurious?

A.—To that extent it is not suitable for a normal human being.

Q.—Assuming, as I said before, that this is made out of the treatment of wheat and barley by a process of malting, what do you say to this claim: "The system will absorb a greater amount of nourishment from one pound of Grape-Nuts than from ten pounds of meat, wheat, oats or bran." Is that true or false?

The Stuff that brains are made of—



A LIE

There is no "brain food." And the elements in Grape-Nuts advertised as "brain building" are just as largely represented in brown bread or oatmeal

A.—I think that is false.

Q.—Now, I will take this other: "The human system will absorb a greater amount of nourishment from Grape-Nuts than from a like amount of any other known food." What do you say to that?

A.—I am not acquainted with every food that is known. I could not answer.

Q.—He says here that "The human system will absorb a greater amount of nourishment from Grape-Nuts than from a like amount of any other known food"?

A.—Well, it would not absorb any more than it would from the same amount of wheat or barley if the moisture were reduced to the same per cent. For instance, in hard baked bread, like biscuits, there is no more moisture than there is in these foods, and they would give just as much nourishment as Grape-Nuts, in my opinion.

Q.—Is there any such thing as a food for the brain or for the nerve centers—to nourish the brain especially?

A.—No, sir. The food that nourishes the brain nourishes the big toe just as well.

Dr. Edward R. Mansfield, practising physician and surgeon and former Assistant Chemist of the State of Maine (called by COLLIER's):

Q.—Have you performed any operations for appendicitis?

A.—I have performed about twenty-five.

Q.—While you were Assistant Chemist to the Maine Agricultural Experiment Station did you make a study of Grape-Nuts?

A.—I did. I analyzed them.

STRONGER THAN MEAT

A. Judge's Opinion of Grape-Nuts.

SAFEST FOOD

In Any Time of Trouble Is Grape-Nuts.

LOOSE TEETH

Made Sound by Eating Grape-Nuts.

A LITTLE COMEDY

Some head-lines from Grape-Nuts advertising

Q.—Now, basing your opinion on your knowledge of Grape-Nuts obtained by your official analysis and your knowledge as a physician and your knowledge and experience in operating for appendicitis, would it be possible in your opinion for Grape-Nuts to tend in any way to obviate the necessity of an operation for appendicitis?

A.—It will not.

Dr. Willard D. Bigelow, Assistant Chief of the Bureau of Chemistry of the United States Department of Agriculture, and Chief of the Division of Foods (called by COLLIER'S):

Q.—You have to study, do you not, the processes of digestion?

A.—I do. Our work on that subject in the Bureau of Chemistry is chiefly the analysis of foods and the calculations of their digestibility from known factors.

Q.—Have you ever made a study, among other things, of Grape-Nuts?

A.—I have. I have examined and analyzed six samples.

Q.—In your opinion would the eating or use of Grape-Nuts in any way tend to obviate the necessity for an operation in appendicitis?

A.—It would not.

Q.—Is this a food for brain and nerve centers, Grape-Nuts?

A.—It is not. There is no food peculiarly valuable for brain and nerve centers.

Q.—Is it true that the human system will absorb a greater amount of nourishment from Grape-Nuts than from a like amount of any other known food?

A.—It is not.

Q.—And what do you say about this subject of predigestion?

A.—It is not fully cooked and it is not predigested.

Q.—In your opinion would it have any more effect in preventing the diseases of mankind than ordinary bread?

A.—It would not.

Q.—One of the advertisements says: "Grape-Nuts is made of the selected parts of the wheat and barley, and by the peculiar process of cooking at the factory all starch is turned into sugar ready for immediate digestion and more perfect nourishment of all parts of the body, particularly of the brain and nerve centers." Is that statement true?

A.—No, sir.

Q.—In what particulars is that statement not true?

A.—In several particulars. In the first place, the starch is not all converted into sugar—only a small part of it is converted into sugar, and not to a form of sugar that is immediately assimilable. The food is not specially designed for brain and nerve centers or specially suited for brain and nerve centers. No food is. The statement that it is made from the selected parts of the wheat and barley is not borne out by an examination

of a number of samples, in that, since the samples are of quite variable composition, and if they were made from selected parts, you would expect a more uniform composition.

Q.—That is, the six samples did not correspond with each other?

A.—They didn't correspond.

Q.—Have you made actual experiments with Grape-Nuts to find out the amount of phosphorus it contains as compared with other foods?

A.—Yes, sir. Grape-Nuts contains about thirty-three one-hundredths of one per cent of phosphorus . . . Oatmeal would run about the same. The egg yolk is high in phosphorus.

Q.—In making these experiments and study you were doing it in the performance of your duty as a public official?

A.—I was.

Dr. Lucius H. Merrill, Professor of Chemistry in the University of Maine and State Chemist of the State of Maine (called by COLLIER's):

Q.—Now, along the lines that you have studied [biological and physiological chemistry] for the purpose of studying nutrition, did you study Grape-Nuts?

A.—We did.

Q.—You had previously made analyses, and then made practical experiments on living men for nutrition—is that right?

A.—That is right.

Q.—What was your object in making a study of these foods?

A.—Our object was to see if these foods were what they claimed to be, and to publish the results for the benefit of the public.

Q.—Now, in your opinion, would the eating of Grape-Nuts tend in the slightest degree to obviate the necessity of an operation for appendicitis?

Mr. Philbin (attorney for Post): I object, if your Honor please.

The Court: I will allow the question.

A.—No.

Q.—This package says that it is a food for nerve and brain centers. Is that statement true?

A.—No more than any other food.

Q.—And there is no such thing as a food for brain and nerve centers, is there?

A.—No.

Q.—Now, it makes a claim here that it is a fully cooked and predigested food. Is that true?

A.—It is not. It is not a fully cooked and predigested food.

Q.—What do you say in regard to the proteid in Grape-Nuts?

A.—Our experiments showed so far as the protein constituents are concerned that it is not as readily digestible as in many other foods.

Q.—Now, tell the jury what you mean by the protein elements in a food.

A.—By protein food we mean that portion of the food which is absolutely essential to the nutrition of the body and which can not be replaced by any other compound in the food.

Q.—So this claim on the part of Grape-Nuts that it is so readily digestible is not true?

A.—It is not true.

Q.—Are the protein parts of Grape-Nuts as well prepared for digestion as in the original condition of the wheat and barley that go into it?

A.—Apparently not.

Q.—Now, you tried these experiments on living human beings?

A.—We did.

William Frear, State Chemist of the State of Pennsylvania (called by COLLIER's) :

Q.—As a part of your official duty have you made a study of Grape-Nuts?

A.—I have.

Q.—Has Grape-Nuts any tendency to prevent appendicitis or to prevent an operation therefor?

A.—It has not.

Q.—Is it a fact that in Grape-Nuts the starch is transformed by extra and long time cooking into the form of sugar which is easily digested, and does not decay in the intestines?

A.—It is not.

Q.—Is it a fact that Grape-Nuts is a food for brain and nerve centers?

A.—No.

Q.—Is this statement true that is on the package: "The human system will absorb a greater amount of nourishment from Grape-Nuts than from a like amount of any other known food"?

A.—No.

Floyd W. Robinson, State Chemist of the State of Michigan (called by COLLIER'S):

Q.—In your duty in the State did you make an analysis of the product on the market called "Grape-Nuts"?

A.—I have analyzed it.

Q.—And you know of what Grape-Nuts is composed, do you?
A.—Yes.

Q.—Would the use of Grape-Nuts prevent appendicitis?

Mr. Philbin (attorney for Post): Objected to as immaterial . . .

The Court: I will rule that he has qualified himself to answer that question.

Q.—Would the use of Grape-Nuts prevent appendicitis?

A.—It would not.

Q.—Is it true that the use of Grape-Nuts would obviate the necessity of an operation for appendicitis?

A.—It is not true.

Q.—Does the use of Grape-Nuts have any tendency to prevent appendicitis?

A.—It does not have the tendency to prevent appendicitis.

Q.—Is this statement true [taken from a Grape-Nuts advertisement]: "The starch is transformed by moisture and long time cooking into a form of sugar which is easily digested and does not decay in the intestine"?

A.—It is not true,

Dr. Paul Outerbridge, physician and surgeon in New York City (called by Post):

(On cross-examination by Mr. Osborne.)

Q.—During the last seven or eight years how many cases would you say you had treated of appendicitis?

A.—Oh, over one hundred each year.

Q.—I ask you if the first treatment that you would take with a case of appendicitis is not to abstain from all food?

A.—Yes, that is the first treatment.

Q.—Then to advise a patient to take food might prove fatal, might it not?

A.—If it was a very acute attack.

Q.—Would you not tell the patient to abstain from all food right away?

A.—I would.

Q.—You would not undertake to give advice for the whole world that in a case of approaching appendicitis a man could go on eating food, would you?

A.—I should want to see my case.

Q.—That advice might prove extremely hazardous, might it not?

A.—It might.

Q.—And perhaps fatal? I think you said that. Is not that right?

A.—Yes, that is right.

Q.—So then, even in a case of approaching appendicitis the best thing the patient could do would be to go at once to a competent physician as quickly as he could?

A.—Yes.

Q.—And I ask you if . . . is it not true that it will frequently require but a small amount of food to kill an appendicitis patient?

A.—Yes; that is quite so.

Q.—If you knew that a person had a case of chronic appendicitis even, you would not trust that patient to select his own food, would you?

A.—I think he would do better to consult some doctor about it.

Dr. Thomas Darlington, physician and former Commissioner of Health of New York City (called by Post):

(On cross-examination by Mr. Osborne.)

Q.—I ask you, taking your own statement, if you do not believe that the safest thing to do in a case of approaching attack of appendicitis is to make the patient go without food as long as he can?

A.—With as little food as possible.

Q.—That is the point—as little as possible?

A.—Yes, sir.

Q.—Now, do you believe that any patient on earth was ever

cured of an approaching attack of appendicitis by eating a breakfast food? Cured, I say?

A.—Oh, no.

Dr. Ralph W. Webster, physician and surgeon in Chicago, Illinois (called by Post):

(On cross-examination by Mr. Osborne.)

Q.—Isn't it a fact that if you were going to treat a case of acute appendicitis you would stop all food immediately?

A.—Yes, I should surely.

Q.—How many hours would you let the patient be without food?

A.—I would let the patient be without food until I was convinced that food could be taken. That time might vary from one day to two days, or, it might be necessary to operate in five minutes.

Q.—Then, listen to this [reading from Dr. A. J. Ochsner's "Handbook of Appendicitis"] . . . "In other words it frequently requires but a very small amount of food to kill an appendicitis patient." Do you agree with that or not?

A.—I have known the taking of food to kill a patient; yes.

Q.—And I understand you to say to try to cure that [septic appendicitis] nobody would think of?

A.—I don't believe they would.

Q.—Do you believe that [reading from a Grape-Nuts advertisement] "the famous predigested food Grape-Nuts" would have the slightest effect to cure septic appendicitis?

A.—No, I do not.

Q.—And do you not believe that advice of that kind [referring to a Grape-Nuts advertisement] to a person that had septic appendicitis might under some circumstances prove fatal?

A.—Why, it might. I could not say it would not.

Q.—Do you believe that any case of septic appendicitis was ever healed by eating a breakfast food?

A.—Well, I have known some of them to be healed by not eating it.

Mr. Osborne: That is all.

The Ochsner "Deadly Parallel"

[The "Handbook of Appendicitis" by Dr. A. J. Ochsner was frequently used as a work of reference by Post's attorneys during the trial—mainly, doubtless because of one reference to "excellent predigested foods." The following parallel extracts from Post's advertising and the "Handbook" may serve to show how much Ochsner helped the Post case.]

Post says:

Pltff's Ex. 28.

Appendicitis is often caused by too much starch in the bowels.

Pltff's Ex. 28.

A N. H. girl had appendicitis but lived on milk for a while, then Grape-Nuts, and got well without an operation.

Pltff's Ex. 28.

Soon after I left school I had an attack of appendicitis and for thirteen weeks lived on milk and water. When I recovered enough to eat solid food, there was nothing that would agree with me until a friend recommended Grape-Nuts.

Dr. Ochsner says:

Page 39.

Whatever the predisposing cause may be in any given case, the exciting cause is always some infectious material.

Page 102.

It frequently requires but a very small amount of food to kill an appendicitis patient.

Page 102.

It does not matter whether the patient suffers from catarrhal appendicitis with or without a foreign body in the appendix, or whether the appendix is gangrenous or perforated, he will almost invariably recover if from the beginning of the disease absolutely no food is given by mouth. It is, however, to be borne in mind that this does not mean that the patient is to receive a little milk, a little gruel, a little soup, or a little of any other kind of food by mouth—it means that he is to receive absolutely no food by mouth.

Pltff's Ex. 31.

No appendicitis to those who use Grape-Nuts.

Page 174.

More harm is done to the patient suffering from an acute appendicitis by the giving of any nourishment by mouth than in any other way.

Pltff's Ex. 33.

Septic appendicitis is a general term for a diseased condition of the bowels caused from undigested starch.

Pltff's Ex. 33.

For three years I suffered with septic appendicitis with all that involves; the aid of physicians was inadequate and the difficulty of finding food that would assimilate without great annoyance in the region of the veriform appendix was fairly insurmountable until I struck Grape-Nuts. Grape-Nuts I relish and digest comfortably. They have not only proven to be most satisfying and nutritious food, but they have actually healed my ailment. I am to-day, after several months' use of Grape-Nuts, absolutely free from any disorder whatever, in perfect health, and I attribute my strength of mind and body to Grape-Nuts.

Pltff's Ex. 34.

He was taken down with appendicitis and after the operation the doctor, knowing that

Page 39.

Whatever the predisposing cause may be in any given case, the exciting cause is always some infectious material.

Pp. 38-39.

Except in very rare cases in which the entire mucous membrane of the appendix is destroyed during the first attack, it is doubtful whether the patient ever completely recovers unless the appendix be removed. . . . The patient frequently carries about in his appendix a dangerous culture of bacteria which may at any time place his life in peril.

Page 161.

Two days after the operation, or later if the patient's digestion seems to be upset, small

the intestinal digestion was very weak, put him on Grape-Nuts twice a day.

quantities of liquid nourishment are given every three hours; usually it is well to begin with a placebo in the form of one of the commercial beef extracts. Later on this may be changed to broths, gruels, strained soups, milk and lime water, or to one of the many excellent concentrated foods found in the market. I do not usually give solid food until two weeks after the operation.

"Within ten days thou wilt seem a god, to those to whom thou art now a beast and an ape, if thou wilt return to thy principles and the worship of reason." — *Marcus Aurelius Antoninus, Emperor of Rome.*

THE MODERN PRACTICE. NATURAL SUGGESTION, OR, SCIENTIA VITÆ

SCIENCE (L., SCIENTIA)—The orderly arrangement
of ascertained facts. VITÆ—OF LIFE.

BY C. W. POST.
(WORDED FOR PLAIN PEOPLE.)

PUBLISHED BY
LA VITA INN COMPANY.
BATTLE CREEK, MICH.

NOTE

Title-page of a book on Mental Healing (called on the cover "I Am Well") written and published by C. W. Post before he "invented" Grape-Nuts. In this work he states plainly that one who gets Divine Harmony can eat any food.

Extracts from "I Am Well"

Written by C. W. Post in 1893, when he was head of a Mental Healing Institute known as La Vita Inn.

(The book from which these extracts are taken is copyrighted (1894) by La Vita Inn Company and was read upon the trial.)

Now a word to the sick one. I come to your side with the deep compassion of a mother for her helpless child. I have been through the seven times heated furnace (seven years) of physical disease and mental distress. When man is thus ripened and then comes into the knowledge of Eternal Life, being quickly and effectually healed by that power, the most tender sympathy goes out to a brother or sister who is still struggling in the mire of materiality. It produces a feeling of great quiet and comfort within, to be the pen by which our Father conveys to you his great truths which will make you free from pain and disease.

The writer of these pages desires to say nothing of himself other than as a simple instrument through which Divine Principle chooses to manifest itself by precept and example. Placed at the head of an institution for healing by the practice of Natural Suggestion, the opportunity for study and the daily experience in practice, put him in possession of many facts and truths that would require just such experience for any one to gain. Skill in mental practice is gained in the same way as skill in any department of science,—by observation, study, experience, and the ability to evolve correct conclusions.

Read carefully, thoughtfully, not more than twenty pages daily. Afterward, seek an easy position, where you will not be disturbed, relax every muscle, close your eyes, and go into *the silence*, where mind is plastic to the breathings of Spirit, and where God talks to the Son. The thoughts from Divine Universal Mind come as winged angels and endow you with their healing power. If you go into *the silence*, humble and trusting, you will come out enriched and greatly strengthened in body, by contact, even for a short time, with the Father of all Life and all power, you will feel refreshed in every way, and food taken will digest readily, as stomach works smoothly when under the influence of the Higher Power. Every nerve and every muscle will at times feel the thrill of health and power coming from

the unseen plane of Life. You may know that your body is healing, and healing fast. The *true Being* is perfect at all times, let the mortal body manifest its natural condition.

Is your stomach troublesome? Realize who *you* are, living one with the Father of all life and partaking of his power.

Go to the table and eat a fair, reasonable meal without fear, *knowing* and never doubting your power to *make stomach* perform its necessary functions, and in a satisfactory way, so long as it is ruled by the God power.

The worst cases of stomach troubles are healed, and in many cases healed instantly.

Treatment—Use one treatment each day, and *only* one. Read over three or four times and let the thought sink in.

I Am God at work. God is the only power, and that power is being shown through me in just the amount and degree that I manifest. That which moves the body and all its parts is not a power separate and distinct from Life or God. It is Life. It is God, and it is my true self. My body is dead earth and water; that is not I. The only real part of me is the God part, Mind, or Life. I have a shifting bit of soil moulded into a body. It is beautiful enough, but it is not I. Knowing that I am part of all Harmony, all Health, and all Power, I refuse to allow the dictates of the lower mind to force sickness and evil on my mentality. *I am well, for the Life is God, and God is never sick.*

On the other hand, if you know the higher truth that you are Spirit and have power to control the body, and deny the right of any man to make laws for you, which are not in accord with the freedom of Spirit, you can eat when you like, and snap your fingers at all the doctors on earth, for under this sort of knowledge your stomach will get better and better the longer you live.

La Vita Inn Co. was chartered by the State of Michigan for the treatment and education of guests in Scientia Vitæ. With a paid capital of \$50,000, an old homestead in Battle Creek, surrounded with pine trees, ample pear and apple orchards, gardens, lawns, a natural oak grove, etc., etc., was purchased. The grounds in the city are about ten acres in extent, and are undu-

lating and picturesque. An electric car line furnishes transportation to the business center in about eight minutes.

All the advantage is obtained of a cool, restful spot among the trees, and seemingly in the country.

In *no sense* does The Inn resemble a hospital. While it is conducted as a hotel, the guests have the freedom of the house, and are looked upon as members of a large family, sojourning at a country seat, the daily life being a round of such occupations as tend to the most perfect ideal of content and happiness, with *Health* as the constant and eternal verity.

The present manager of The Inn was brought up from the edge of the grave through *Scientia Vitæ* but partially understood, after having exhausted all known remedies that seemed applicable. All climates of America were tried; sea voyages, summer resorts, ranching in Texas, mountain resorts, mineral springs, Swedish movements, special massage, gymnastics, dieting, will power, special treatment and scientific selection of foods, special tests of the strength of gastric juices, and the application of food of a character that the gastric juices in their peculiar condition would best handle, etc., etc., etc.

The case baffled some of the most eminent physicians in America. When thought to be dying, the patient was put under *Scientia Vitæ* of a somewhat crude form and gained two pounds per day for a time, going from 120 pounds to 185 pounds in sixty days. Constipation, of so obstinate a character that enemas had ceased to have any effect, was entirely corrected. The patient had been ill about seven years, and determined, upon recovery, to devote his time and energies to securing a more perfect understanding of the methods of handling the life forces, which up to this time seems to have been dimly recognized. . . .

A short description of one case, a sample of a large class met in our practice, may convey to the reader some idea of conditions and results.

A lady brought her daughter, of perhaps twenty-four, to us from a prominent sanitarium, where she had been confined to her room or a wheel chair about eleven months, and had not put her foot on the ground for about fifteen months. She had been an invalid some fourteen years, and had received the best care and most skilful medical attention that money would procure. Before being brought to The Inn, the patient laid with eyes covered, and ears plugged with cotton, any undue noise or

prolonged use of eyes producing spasms. The stomach refused to handle food in sufficient quantity, or of any but the simplest sort; the rectal muscles were drawn so taut day and night that a natural operation of the bowels was impossible, and peaceful sleep unknown. It was thought by her attendants that she could not last more than a few days longer at best, and as a last and desperate resort they concluded to put the patient under treatment in the new practice.

The day after her arrival the mother was requested to prepare the daughter for a little walk in the yard and to the hammocks among the trees. This created consternation; but it was quickly discovered that the daughter seemed to have an acquisition of unseen power and a right healthy desire to go out doors. She walked down-stairs with finger-tips on the shoulders of the physician ahead. At the side piazza a little rest was taken, and a spasm started, which was killed in less than thirty seconds; it could not get fairly started. Slowly strolling, looking at green leaves, blue sky, fleecy clouds, and the many signs of life, the patient drank in new life and comfort. When a hammock was reached, a spasm started again, and was at once and effectually nipped in the bud.

The patient lost fear when she discovered that she was in the hands of a practitioner who could *absolutely* and without fail, dismiss her spasms, or pains. She began at once to eat anything and everything her palate called for, with never a pain or any attempt on the part of stomach to refuse to do its full duty. The rectal muscles relaxed to a normal condition, and the proper peristaltic action of the bowels set up at once. She found, as all other patients do, that she could do whatever she chose that she would do in perfect health, and that she was *absolutely protected* from bad results of any kind. In ten days she was playing in the tennis court, growing round and fat and enjoying life hugely. She remained with us a few months to complete an extended study. The grateful letters of her mother and herself certainly evidence a desire to express their feelings.

When the patient has once seen the effect of *a power thrown around him*, which dismisses his aches and ails, it produces a feeling of safety, peace, rest; then courage, hope, and assurance of speedy return to health. When the recuperative forces of life are set to work properly, there is *but one result*, Perfect Health.

Under the treatment, the patient is enabled to eat freely and abundantly at once. The food is assimilated and proceeds to make flesh and blood. The bowels quickly begin their natural work. Peaceful sleep is obtained. The ugly symptoms disappear, and all parts return to their natural harmonious condition.

A business man from Omaha, Neb., came under the writer's care, direct from a sanitarium, where he was considered in a very critical condition. The lightest sort of food distressed him to such a degree that his physician had been pumping each meal from his stomach a short time after digestion should have begun. He had practically no power of digestion or assimilation, and was sinking rapidly. He stated that for about twenty-five years he had been a sufferer from stomach trouble.

He was put under mental treatment, and a good, rich, heavy diet. Within a day or two his bowels began to move quite freely, passing off green and yellow material, and during one day he ejected almost a pint of yellow, bilious matter through the mouth. He was asked to name any sort of food that pleased his fancy, and upon the statement that it seemed to him almost forty years since he had been able to eat pork and beans, with vinegar, this dish was served to him that day for dinner, together with a substantial meal of other articles. No distress ever was shown as a result of the heavy feeding, and he fattened up quite rapidly.

He was so happy over his recovery that word was sent his sister, who inherited the same stomach weakness. She came at once and experienced a rapid return to health.



MADE IN U.S.A. TRADE MARK REG.

A FOOD FOR BRAIN AND NERVE CENTRES.
The System will absorb a greater amount of nourishment from 1 Pound of Grape-Nuts than from 10 Lbs. of MEAT, WHEAT, OATS OR BREAD.
COSTS ABOUT ONE CENT PER MEAL.

(1)



MADE IN U.S.A. TRADE MARK REG.
The human system will absorb a greater amount of nourishment from Grape-Nuts than from a like amount of any other known food.
COSTS ABOUT ONE CENT PER MEAL.
EXCONTRACT:
Four heaping Teaspoons of Grape-Nuts for the general part of a meal is the limit for an ordinary person. The food is indigestible, and a small quantity supplies more nourishment than a large dab.

(2)



MADE IN U.S.A. TRADE MARK REG.
The System will absorb a greater amount of nourishment from 1 Pound of Grape-Nuts than from 10 Lbs. of MEAT, WHEAT, OATS OR BREAD.
COSTS ABOUT ONE CENT PER MEAL.

(3)

THE EVOLUTION OF THE GRAPE-NUTS LABEL.

Number 1 is the old original label, when Post's fancy was running free. On another part of the same package he says that it is made of "Destrose and Grape Sugar." Grape-Nuts contains hardly a grain of this substance. The chemical departments of various States issued reports on Grape-Nuts about 1904. These showed that it contained about as much nourishment as oatmeal. Then Post changed to Number 2. In 1906 came the Pure Food Law which required truthful labels. Then Post omitted "destrose," "grape sugar," and all claims for exceptional nutritive value; whereupon we have Number 3.

C. W. Post, La Vita Inn, and "I Am Well"

Extracts from Mr. Post's testimony upon the trial in New York

(*C. W. Post under cross-examination:*)

Q.—I ask you if you were not running the La Vita Inn at that time, and if the institution did not take in patients and treat them by mental therapeutics?

A.—Yes.

Q.—And I ask you if this book that I have here in my hand ("I Am Well") did not expound your theory?

A.—At that time.

Q.—Well, now, didn't you now to a certain extent incorporate your theory into the "Road to Wellville"?

A.—Very much evolved from this.

Q.—And by the time you got the "Road to Wellville," you suggested to people that if they wanted to be well they should have positive thoughts, did you not?

A.—Certainly.

Q.—And you considered positive thoughts to be virtuous thoughts?

A.—Not necessarily.

Q.—Not necessarily? Let's read now and see. Now did not you put the bad thoughts as really negative, according to your theory, and that the positive thoughts were good, and if people had positive thoughts, it would be better for their health?

A.—Absolutely, I would like to have you read that.

Q.—I am going to read it now and I stated it correctly. Why did you correct me? "The negative thoughts are currents of anger, hate, grief, anxiety, jealousy, apprehension, sensuality, disease, etc. These negative currents are disease-producing and tend to destroy and throw out through the pores and other excretory channels the valuable parts or elements in the nerve centers, and deplete and exhaust the battery, so to speak." Now those were the negative or bad thoughts. Now then, in other words, your suggestion in the "Road to Wellville" was to be virtuous, and you will be well, is that it?

A.—I have not seen it, sir.

Q.—Well, is not that the suggestion you have right there?

A.—You did not read it that way.

Q.—Now did not you mean to tell people that if they had these good thoughts, it would tend to improve their health?

A.—Yes.

Q.—Is not that just what I say, but at this time, when you wrote "I Am Well," at that time you had the same idea, didn't you, substantially?

A.—The same general idea, but much more primary.

Q.—At this time you were not manufacturing Postum and Grape-Nuts, were you? Now answer yes or no. At that time you were not manufacturing Postum and Grape-Nuts?

A.—What is the date of that?

Q.—The date of this book is 1893?

A.—No. Let me withdraw that a minute. I was not manufacturing Grape-Nuts. It is possible I was making Postum for patients at that time, but I am not sure.

Q.—You were not manufacturing and selling on the market?

A.—No.

Q.—Either Postum or Grape-Nuts.

A.—No.

Q.—So that, when you got to the "Road to Wellville" in addition to having these happy thoughts, you told them that they must in addition to being virtuous, to be well, they must eat Grape-Nuts and drink Postum, did you not?

A.—A very great help. I did.

Q.—Some help to virtue. When you were at the La Vita Inn, and you had not invented Postum—I mean, were not selling it on the market, why, all the people had to do to be well was to have these virtuous thoughts, but after you had invented Postum and Grape-Nuts, and were putting them on the market, in addition, you had developed as you say to such an extent, that you found that in addition to being virtuous, it would be a good thing to eat Grape-Nuts and drink Postum?

A.—Yes, great advantage to have good food.

Q.—No, but you advertised, and here is what you say: "You can not get well by exercise alone, or by thinking positive thoughts alone," in your Book to Wellville. "You absolutely must give up the food and drink that disagrees with you." You wrote

that in the Book to Wellville, didn't you? "Drop coffee and adopt the food and drink known beyond doubt or question to be the best adapted for the forces to take up and make healthy brain, nerve and tissue of. Postum and Grape-Nuts will prove their solid worth and inestimable value in rebuilding the body, if steadily used, and the improvement can generally be noticed in a week's time." You wrote that?

A.—I think so. I recollect that.

Q.—And so now we find that the prescription is, buy Grape-Nuts, buy Postum, eat them and think positive thoughts?

A.—Yes, sir.

Q.—And you will be well?

A.—Excellent advice.

Q.—But when you were running the La Vita Inn, and you did not have any kind of food on the market, all they had to do was to think these positive thoughts?

A.—But they did eat.

Q.—But they did eat. I know it, but you did not advertise it at that time. Now let us see what you said then when you were not selling the foods, when you were only dealing in mental science, and you did not have your Postum on the market, and you did not have your Grape-Nuts on the market, this is what you advised? I ask you if you did not write this in your book: "Under treatment, the patient is enabled to eat freely and abundantly at once. The food is assimilated and proceeds to make flesh and blood, etc." No food of any kind at that time being advised in your book?

A.—But my records show, that is true.

Q.—Now, as you say, this thing is a progressive matter?

A.—Yes, sir.

Q.—Where you have progressed gradually from mental therapeutics alone up to Postum and Grape-Nuts at fifteen cents a pound, is that right?

A.—It certainly is.

Q.—And in consequence of your gradual progression from mental science alone you have been enabled to erect, to build and to carry on the great Postum Cereal Company, is that right?

A.—And interested to do more good, yes.

Q.—And you draw your revenues by these advertisements from all over the United States and Canada, is that a fact?

A.—Simply an announcement of the facts. That is our way to get the business.

Q.—I ask you if you did not practice healing by mental suggestion as a part of your business in life at the time?

A.—I said, yes.

Q.—Now I ask you if you did not practice it while you were in the La Vita Inn, had charge of it?

A.—Certainly, and still do, without.

Mr. Osborne: Now, is it possible to get this witness to answer my question. He is trying to do what I claim he has been trying to do all his life, making false suggestions.

Mr. Philbin: I object to his making any such statement to the Court.

The Court: I don't like to criticise the witness, but at the same time it seems to me his answers ought to be more direct: and answer without qualification; but where an answer, sometimes, yes or no will not do—because it is self evident—but to many of these questions yes or no would have been the direct answer. If he desires to qualify afterwards, you can do that for him, by asking other questions.

Mr. Philbin: The only point I make is this—

The Court: Now it is self evident to anybody, that that question that counsel asked, meant whether he had, as counsel explained more in detail afterwards, whether he practiced healing at any time in his life as a livelihood. Now yes or no, would be a direct answer.

Q.—Now, I ask you if you did not practice it while you were in the La Vita Inn, had charge of it—the art of healing by mental suggestion or therapeutics?

A.—Yes.

Q.—I ask you if you were not one of the persons practicing healing in that institution?

A.—I was practicing.

By Juror No. 12: By mental suggestion?

A.—By mental suggestion and treating.

Q.—I ask you if you swore to that? (showing witness paper.)

A.—I don't recall it. . . . I don't recall that as my testimony.

Q.—All right, sir. Then I read it.

Mr. Philbin: You need not offer it. You can read it, but don't have to put the entire paper—simply read that portion of it.

Mr. Osborne: That's right.

Mr. Philbin: Mr. Post having stated that that is a correct statement.

Mr. Osborne: That is a deposition of C. W. Post, June 26th, 1899—Charles W. Post sworn—

A Juror: Is that the date?

Mr. Osborne: Yes, sir.

The Juror: 1899.

Mr. Osborne: Yes, sir, 1899, is when he swore to it. The La Vita Inn was in 1893. I am going to show just what I claim, or try it.

Q.—Now, being duly sworn: "Q.—Now, following up the Inn Company a little bit— You were a doctor or not, exactly what were you in that professional capacity, what did you term yourself?

"A.—I did not take any particular titles, for the reason that in that form of practice there was no organization and no place to give a diploma. I simply treated patients by mental therapeutics, or suggestive therapeutics.

"Q.—And as such you treated patients of various kinds and performed cures?

"A.—Yes.

"Q.—And as such your institution was successful?

"A.—Yes, sir. Yes, it was supposed to be fairly successful.

"Q.—And that was abandoned because of the fact that the Postum Cereal Company and the business represented by it became of so much greater importance in a financial way, is that not true?

"A.—That was perhaps one of the reasons for its discontinuance.

"Q.—Were there any others?

"A.—Yes, I think a good many of them, but that was the main reason.

"Q.—The other institution absorbed so much of your time, and it was a mere profitable one, is the reason? The less profitable was abandoned, is that not true?

"A.—I say that that was one of the reasons."

What Is Postum Made Of?

Some extracts from the testimony taken by Collier's in Battle Creek which throw a little light on the question

M. K. Kniseley, auditor for the Postum Company, being duly sworn, testified as follows:

Q.—The figures that you are going to give me are for the year April 1, 1909 to April 1, 1910?

A.—Yes, sir, twelve months ending April 1, 1910.

Q.—Will you please tell me the quantity of molasses used during that period?

A.—304,170 gallons. . . . The average weight of molasses is 11½ to 12 pounds per gallon [Total about 3,500,000 pounds of molasses].

Q.—Will you please tell me the quantity of bran that was used in that period?

A.—4,381 tons or 8,762,000 pounds of bran.

The witness then testified that this 3,500,000 pounds of molasses and 8,762,000 pounds of bran was all used in the manufacture of Postum Cereal—the coffee substitute.

The witness also testified that during the same period 404,698 bushels of wheat were used in the Postum and Grape-Nuts factory, but when the cross-examiner tried to find out how much, if any, of this wheat went into the Postum the following questions and answers took place:

Q.—Now can you distinguish out of that the total used in the manufacture of Postum, and how much was used in the manufacture of Grape-Nuts?

A.—Only approximately.

Q.—Will you do so, approximately, then?

Mr. Post: We object to that, please.

Mr. Lewis: That is objected to on the ground that it has a tendency to expose the formula of the respective products, that being information which the employees of the Postum Cereal Co. have no right to disclose.

(The attorneys for Collier's never have been able to discover how much wheat is contained in Postum. Some of the witnesses

admitted that "there was more bran than wheat in it." One of the oldest employees testified as follows. Apparently he did not think the wheat part of Postum was important for he forgot to mention it at all.)

Clark Bristal, being duly sworn, testified that he was sixty years old; that he had been in the employ of the Postum Company for fifteen years.

Q.—Have you ever had anything to do with the making of Postum Cereal?

A.—Yes, sir; a little when we first started.

Q.—What were your duties when the Company first started in making Postum Cereal?

A.—Making it in a pan over a gasoline stove, hoeing it with a hoe to keep it from burning.

Q.—What was in the pans?

A.—Bran and molasses.

Q.—Do you know at the present time the processes of the manufacture of Postum?

A.—It is the same as it used to be, only it is made by machinery now instead of by hand as it used to be.

Q.—That is, the processes of the manufacture of Postum now, except that it is on a larger scale, is the same as when you put it in the pan and held it over a gasoline stove?

A.—Certainly.

The Jury

- No. 1. Adolph Meyer, 511 West 143d Street.
- No. 2. Nathan Ullman, 49 West 88th Street.
- No. 3. James N. Veaider, 303 East 102d Street.
- No. 4. David H. Howes, 409 West 129th Street.
- No. 5. Adolph G. Furthman, 452 East 170th Street.
- No. 6. Alfred H. Hirschbach, 108 West 141st Street.
- No. 7. C. D. Malcolm Winne, 961 Fox Street, Bronx.
- No. 8. William L. Kneeland, 884 Southern Boulevard, Bronx.
- No. 9. Albert Gerhards, 725A Manida Street, Bronx.
- No. 10. Philip E. Newmark, 36 Wall Street.
- No. 11. John L. Siemans, 166th Street and Summit Avenue.
- No. 12. Fred S. Tipson, 55 West 12th Street.

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